

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WINDSOR MORRISON,

Plaintiff,

- against -

DECLARATION OF
WINDSOR MORRISON
14 CV 4508 (MKB)(VMS)

THE CITY OF NEW YORK, PETER MORALES
and EDMUND MORRIS, employees of the New
York City Police Department,

Defendants.

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STATE OF NEW YORK)
: SS.:
COUNTY OF KINGS)

WINDSOR MORRISON declares the following under penalty of perjury pursuant to 28
U.S.C. §1746:

1. On May 25, 2015, I did a favor for a close friend, Damien Lewis, who asked me to pick up his then-girlfriend, Shontell Morris, and drive her to where he was on Eldert Lane in Brooklyn.

2. I knew Shontell through Damien and had first met her in 2012.

3. I picked Shontell up at around 2:30 a.m. on May 25, 2013 at the Broadway Junction subway station and intended to drive her to Eldert Lane a few blocks south of Linden Boulevard as Damien had asked me to do.

4. At the time, I was driving a 2002 Lincoln Towncar registered in my wife's name, Alfaqueni Morrison. The front passenger door was not working at the time and there were problems with the passenger seat. Therefore, when I picked Shontell up, she sat in the backseat.

5. About twenty-five (25) minutes after I picked Shontell up, I was stopped by the police just a few blocks from where I was to drop Shontell.

6. Before being pulled over by the police, I had been driving east bound on Linden Boulevard and came to a red light at the intersection of Crescent Street. A police car was travelling north on Crescent Street coming up to the intersection and, although it had the green light, it stopped at Linden. The Officers were to my right and perpendicular to my car.

7. When my light turned green, I began to drive through the intersection. The police car on Crescent started to drive into the intersection at the same time. I stopped my car and the police car also stopped. I started to drive and the police car again started to drive. I stopped again and when I again started to drive, the police car stayed put and I drove through the intersection.

8. The police car turned onto Linden behind me. I did not drive over the speed limit of thirty (30) mile per hour and I most certainly was not driving at 50 mph from the time I picked up Shontell until the police stopped me.

9. While on Linden Boulevard near Eldert Lane, the police signaled for me to pull over. I turned right onto Eldert Lane and stopped near a bus stop south of Linden a couple of blocks from where I was supposed to take Shontell. *See the Map attached to the motion papers as Exhibit 12.*

10. It is about a quarter of a mile from Crescent to Eldert on Linden Boulevard.

11. The police car parked behind my vehicle and two police officers walked over to my car. One of the officers approached the car on the passenger side and the other, Officer Morales, came over towards me on the driver's side.

12. I opened the car door because the window did not open and Officer Morales then told me not to open the door. I explained that the window did not open and that I did not have

my wallet and my license with me. He asked for verification of my identity, and I gave him a letter addressed to me at my home from my medical insurance company. I also gave him my date of birth.

13. Officer Morales went to his vehicle and returned a few minutes later. I told Officer Morales that I had a valid driver's license and that he should be able to confirm that. I confirmed my date of birth and he went back to his car with the information I had provided to him.

14. While Officer Morales was back in the police car, Shontell asked the second officer if she could leave. He told her that she could and she got out of the auto and left in the direction where I was taking her before the police stopped us.

15. Neither Officer Morales nor Officer Morris questioned or said anything to Ms. Morris other than Officer Morris telling her that she could go when she asked if she was allowed to do so.

16. Officer Morales returned and asked me to exit the car, handcuffed me and placed me in the back of the police car.

17. While being driven to the Precinct, I asked Officer Morales why I had been pulled over. Officer Morales said that I had been driving fast and came to a short stop. I told him that was not true.

18. Officer Morales then said I was operating an illegal cab. I told him not to put his assumptions on me; that I knew the person in my car and I was not driving a cab.

19. I was brought to the 75th Precinct Stationhouse where Officer Morales eventually prepared two Summonses accusing me of operating an unlicensed vehicle for hire.

20. The two Summons Officer Morales gave me required me to go to Criminal Court in August 2013. I knew that I had to go to court or a Bench Warrant would issue.

21. I went to Court on August 21, 2013 and entered a not guilty plea. I went again on September 25, 2013, and the charges were dismissed and sealed because the officer failed to come to Court to testify. *See the Certificates of Disposition attached as Exhibit 8.*

22. At the Stationhouse, in addition to the Summons, Officer Morales told me I was under arrest for a warrant from 2007. I was not shown or given to read a copy of the warrant for which I was allegedly arrested.

23. I knew I did not have an outstanding warrant. I had missed a September 2007 Court date on a traffic summons but had returned to Court on April 16, 2008 and the warrant was lifted and I was released on my own recognizance. The case was adjourned to May 28, 2008, but I came back the next day, April 17, 2008, plead guilty and paid a fine. I also knew there was no outstanding warrant because I had been stopped by police officers for traffic violations between September 2007 and the May 2013 incident with Officer Morales and I had not been jailed on the September 2007 warrant. None of those officers held me on the Bench Warrant. Other than the May 25, 2013 incident with Officer Morales, I have not been jailed because of the September 2007 Bench Warrant.

24. While at the 75th Precinct Stationhouse, I was searched, required to remove my shoelaces and put in a jail cell. After Officer Morales gave me the Summons, I was eventually chained together with about ten other inmates. We all were cuffed to a single, long chain.

25. The other prisoners and I were walked out to the parking lot to be put into a police van to be driven to Brooklyn Central Booking. None of the officers involved in the transport could open the back doors. One officer said it was broken and another said they needed a key.

26. The officers decided to have us enter through the front of the van. The weather was rainy and we had to maneuver behind the front passenger seat which had about a foot clearance. Photos of the type of van used that morning are attached hereto as *Exhibit 10*. I was present when the photos were taken and they accurately show what the van looked like.

27. There was a spare tire with a metal rim bolted to the floor of the first compartment behind the passenger and driver's seats. I was chained with my right hand to a prisoner whose foot became lodged inside the hole of the rim causing him to go down, yanking me violently to the floor.

28. We were assisted out of the vehicle and a supervising officer was called. I was asked if I wanted to go to a hospital but was told that it would greatly delay my processing. I decided to keep going, but the pain became too brutal and I was taken from Central Booking to Brooklyn Hospital for treatment.

29. I was eventually driven back to Central Booking but had to remain handcuffed in the back of a police car for over an hour because the police transporting me did not have a lock to store their weapons and had to drive around shopping for one.

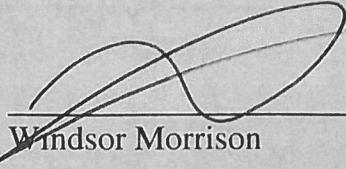
30. After being returned to Central Booking, I was called by an officer who told me he had good news and led me out of the holding cells and past the Judge and out the Courtroom. The officer told that I should not have been arrested and that the warrant had been vacated in 2008.

31. The most significant physical injuries were to my wrists. I have had surgeries on both wrists, lost a lot of time from work because of the incident, and recently started treating with a new wrist specialist. I have been a field technician for Verizon since 1998 and work splicing underground cables for the company.

32. A few days after the incident, on May 28, 2013, I wrote a statement on my Ipad.

See Exh. 13; Copy of the date/time header and the text of the Ipad statement. I have read the Ipad statement and it is true and accurate.

Dated: March 26, 2018



Windsor Morrison